



General Assembly

February Session, 2004

Amendment

LCO No. 4716

HB0504404716HR0

Offered by:

REP. FARR, 19th Dist.

REP. STONE, 9th Dist.

REP. MINER, 66th Dist.

To: Subst. House Bill No. 5044

File No. 248

Cal. No. 190

"AN ACT CONCERNING PLANS OF CONSERVATION AND DEVELOPMENT."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 8-23 of the general statutes, as amended by
4 section 20 of public act 03-19, is repealed and the following is
5 substituted in lieu thereof (*Effective July 1, 2004*):

6 (a) (1) At least once every ten years, the commission shall prepare or
7 amend and shall adopt a plan of conservation and development for the
8 municipality. Following adoption, the commission shall regularly
9 review and maintain such plan. The commission may adopt such
10 geographical, functional or other amendments to the plan or parts of
11 the plan, in accordance with the provisions of this section, as it deems
12 necessary. The commission may, at any time, prepare, amend and
13 adopt plans for the redevelopment and improvement of districts or

14 neighborhoods which, in its judgment, contain special problems or
15 opportunities or show a trend toward lower land values.

16 (2) If a plan is not amended decennially, the chief elected official of
17 the municipality shall submit a letter to the Secretary of the Office of
18 Policy and Management and the Commissioners of Transportation,
19 Environmental Protection and Economic and Community
20 Development that explains why such plan was not amended. Until the
21 plan is amended in accordance with this subsection, a copy of such
22 letter shall be included in each application by the municipality for
23 funding for the conservation or development of real property
24 submitted to said secretary or commissioners.

25 (b) In the preparation of such plan, the commission may appoint
26 one or more special committees to develop and make
27 recommendations for the plan. The membership of any special
28 committee may include: Residents of the municipality and
29 representatives of local boards dealing with zoning, inland wetlands,
30 conservation, recreation, education, public works, finance,
31 redevelopment, general government and other municipal functions. In
32 performing its duties under this section, the commission or any special
33 committee may accept information from any source or solicit input
34 from any organization or individual. The commission or any special
35 committee may hold public informational meetings or organize other
36 activities to inform residents about the process of preparing the plan.

37 (c) In preparing such plan, the commission or any special committee
38 shall consider the following: (1) The community development action
39 plan of the municipality, if any, (2) the need for affordable housing, (3)
40 the need for protection of existing and potential public surface and
41 ground drinking water supplies, (4) the use of cluster development
42 and other development patterns to the extent consistent with soil
43 types, terrain and infrastructure capacity within the municipality, (5)
44 the state plan of conservation and development adopted pursuant to
45 chapter 297, (6) the regional plan of development adopted pursuant to
46 section 8-35a, as amended by this act, (7) physical, social, economic

47 and governmental conditions and trends, (8) the needs of the
48 municipality including, but not limited to, human resources,
49 education, health, housing, recreation, social services, public utilities,
50 public protection, transportation and circulation and cultural and
51 interpersonal communications, and (9) the objectives of energy-
52 efficient patterns of development, the use of solar and other renewable
53 forms of energy and energy conservation.

54 (d) (1) Such plan of conservation and development shall (A) be a
55 statement of policies, goals and standards for the physical and
56 economic development of the municipality, (B) consider a system of
57 principal thoroughfares, parkways, bridges, streets, sidewalks and
58 other public ways as appropriate, (C) be designed to promote, with the
59 greatest efficiency and economy, the coordinated development of the
60 municipality and the general welfare and prosperity of its people and
61 identify areas where it is feasible and prudent (i) to have compact,
62 transit accessible, pedestrian-oriented mixed use development patterns
63 and land reuse, and (ii) to promote such patterns and reuse, [(C)] (D)
64 recommend the most desirable use of land within the municipality for
65 residential, recreational, commercial, industrial, conservation and
66 other purposes and include a map showing such proposed land uses,
67 [(D)] (E) recommend the most desirable density of population in the
68 several parts of the municipality, [(E) note any inconsistencies it may
69 have with the state plan of conservation and development adopted
70 pursuant to chapter 297,] (F) consider the following growth
71 management principles: (i) Redevelopment and revitalization of
72 commercial centers and areas of mixed land uses with existing or
73 planned physical infrastructure; (ii) expansion of housing
74 opportunities and design choices to accommodate a variety of
75 household types and needs; (iii) concentration of development around
76 transportation nodes and along major transportation corridors to
77 support the viability of transportation options and land reuse; (iv)
78 conservation and restoration of the natural environment, cultural and
79 historical resources and existing farmlands; (v) protection of
80 environmental assets critical to public health and safety; and (vi)

81 integration of planning across all levels of government to address
82 issues on a local, regional and state-wide basis, (G) make provision for
83 the development of housing opportunities, including opportunities for
84 multifamily dwellings, consistent with soil types, terrain and
85 infrastructure capacity, for all residents of the municipality and the
86 planning region in which the municipality is located, as designated by
87 the Secretary of the Office of Policy and Management under section
88 16a-4a, [(G)] (H) promote housing choice and economic diversity in
89 housing, including housing for both low and moderate income
90 households, and encourage the development of housing which will
91 meet the housing needs identified in the housing plan prepared
92 pursuant to section 8-37t and in the housing component and the other
93 components of the state plan of conservation and development
94 prepared pursuant to chapter 297. In preparing such plan the
95 commission may consider focusing development and revitalization in
96 areas with existing or planned physical infrastructure.

97 (2) For any municipality that is contiguous to Long Island Sound,
98 such plan shall be (A) consistent with the municipal coastal program
99 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with
100 reasonable consideration for restoration and protection of the
101 ecosystem and habitat of Long Island Sound, and (C) designed to
102 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
103 Long Island Sound.

104 (e) Such plan may show the commission's and any special
105 committee's recommendation for (1) conservation and preservation of
106 traprock and other ridgelines, (2) [a system of principal thoroughfares,
107 parkways, bridges, streets and other public ways, (3)] airports, parks,
108 playgrounds and other public grounds, [(4)] (3) the general location,
109 relocation and improvement of schools and other public buildings,
110 [(5)] (4) the general location and extent of public utilities and terminals,
111 whether publicly or privately owned, for water, sewerage, light,
112 power, transit and other purposes, [(6)] (5) the extent and location of
113 public housing projects, [(7)] (6) programs for the implementation of
114 the plan, including (A) a schedule, (B) a budget for public capital

115 projects, (C) a program for enactment and enforcement of zoning and
116 subdivision controls, building and housing codes and safety
117 regulations, (D) plans for implementation of affordable housing, [and]
118 (E) plans for open space acquisition and greenways protection and
119 development, and (F) plans for corridor management areas along
120 limited access highways or rail lines, designated under section 16a-27,
121 as amended by this act, and [(8)] (7) any other recommendations as
122 will, in the commission's or any special committee's judgment, be
123 beneficial to the municipality. The plan may include any necessary and
124 related maps, explanatory material, photographs, charts or other
125 pertinent data and information relative to the past, present and future
126 trends of the municipality.

127 (f) A plan of conservation and development or any part thereof or
128 amendment thereto prepared by the commission or any special
129 committee shall be reviewed, and may be amended, by the
130 commission prior to scheduling at least one public hearing on
131 adoption. [At least sixty-five days prior to the public hearing on
132 adoption, the commission shall submit a copy of such plan or part
133 thereof or amendment thereto for review and comment to the
134 legislative body. Such body may hold one or more hearings on the
135 proposed plan and shall submit any comments to the commission
136 prior to the public hearing on adoption. The failure of such body to
137 report prior to or at the public hearing shall be taken as approval of the
138 plan.] At least [sixty-five] thirty-five days prior to the public hearing
139 on adoption, the commission shall post the draft plan on the Internet
140 web site of the municipality, if any, and submit a copy of such draft
141 plan to the regional planning agency for review and comment. The
142 regional planning agency shall [report] submit an advisory report
143 along with its comments to the commission at or before the hearing.
144 [The failure of the regional planning agency to report at or before the
145 hearing shall be taken as approval of the plan. The report of the
146 regional planning agency shall be advisory.] Such comments shall
147 include a finding on the consistency of the draft plan with (1) the
148 regional plan of development, adopted under section 8-35a, as

149 amended by this act, and (2) the state plan of conservation and
150 development, adopted pursuant to chapter 297. The commission may
151 revise the draft plan in accordance with the report of the regional
152 planning agency. The commission may render a decision on the plan
153 without the report of the regional planning agency. Prior to the public
154 hearing on adoption, the commission shall file in the office of the town
155 clerk a copy of such draft plan or part thereof or amendment thereto
156 but, in the case of a district commission, such commission shall file
157 such information in the offices of both the district clerk and the town
158 clerk. The commission shall cause to be published in a newspaper
159 having a general circulation in the municipality, at least twice at
160 intervals of not less than two days, the first not more than fifteen days,
161 or less than ten days, and the last not less than two days prior to the
162 date of each such hearing, notice of the time and place of any such
163 public hearing. Such notice shall make reference to the filing of such
164 draft plan in the office of the town clerk, or both the district clerk and
165 the town clerk, as the case may be. After completion of the public
166 hearing, the commission may revise the draft plan. The proposed final
167 plan shall be submitted to the legislative body for its endorsement. The
168 legislative body shall endorse or reject the entire proposed final plan or
169 parts thereof and may submit comments and recommended changes to
170 the commission. In the case of a municipality in which the legislative
171 body is a town meeting, the proposed final plan shall be submitted to
172 the board of selectmen. The board may conduct a public hearing on
173 such plan. Not more than forty-five days after receipt of the plan by
174 the board of selectmen, the entire proposed final plan or parts thereof
175 may be endorsed or rejected at a town meeting and such town meeting
176 may submit comments and recommended changes to the commission.

177 (g) The commission may adopt the plan or any part thereof or
178 amendment thereto by a single resolution or may, by successive
179 resolutions, adopt parts of the plan and amendments thereto. Any
180 plan, section of a plan or recommendation in the plan, not endorsed by
181 the legislative body of the municipality may be adopted by the
182 commission by a vote of not less than two-thirds of all the members of

183 the commission. Upon adoption by the commission, any plan or part
184 thereof or amendment thereto shall become effective at a time
185 established by the commission, provided notice thereof shall be
186 published in a newspaper having a general circulation in the
187 municipality prior to such effective date. Any plan or part thereof or
188 amendment thereto shall be posted on the Internet web site of the
189 municipality, if any, and shall be filed in the office of the town clerk,
190 except that, if it is a district plan or amendment, it shall be filed in the
191 offices of both the district and town clerks. The commission shall
192 notify the Secretary of the Office of Policy and Management of any
193 inconsistency between the plan adopted by the commission and the
194 state plan of conservation and development and the reasons therefor.

195 [(h) Following adoption of a new plan by the commission, the
196 legislative body of any municipality may hold one or more hearings on
197 the proposed plan and, by resolution, may endorse the plan for the
198 municipality.]

199 Sec. 2. Section 8-35a of the general statutes is repealed and the
200 following is substituted in lieu thereof (*Effective July 1, 2004*):

201 (a) [Each] At least once every ten years, each regional planning
202 agency shall make a plan of development for its area of operation,
203 showing its recommendations for the general use of the area including
204 land use, housing, principal highways and freeways, bridges, airports,
205 parks, playgrounds, recreational areas, schools, public institutions,
206 public utilities and such other matters as, in the opinion of the agency,
207 will be beneficial to the area. Any regional plan so developed shall be
208 based on studies of physical, social, economic and governmental
209 conditions and trends and shall be designed to promote with the
210 greatest efficiency and economy the coordinated development of its
211 area of operation and the general welfare and prosperity of its people.
212 Such plan may encourage energy-efficient patterns of development,
213 the use of solar and other renewable forms of energy, and energy
214 conservation. Such plan shall be designed to promote abatement of the
215 pollution of the waters and air of the region. The regional plan shall

216 identify areas where it is feasible and prudent (1) to have compact,
217 transit accessible, pedestrian-oriented mixed use development patterns
218 and land reuse, and (2) to promote such patterns and reuse and shall
219 consider the following growth management principles: (A)
220 Redevelopment and revitalization of regional centers and areas of
221 mixed land uses with existing or planned physical infrastructure; (B)
222 expansion of housing opportunities and design choices to
223 accommodate a variety of household types and needs; (C)
224 concentration of development around transportation nodes and along
225 major transportation corridors to support the viability of
226 transportation options and land reuse; (D) conservation and
227 restoration of the natural environment, cultural and historical
228 resources and traditional rural lands; (E) protection of environmental
229 assets critical to public health and safety; and (F) integration of
230 planning across all levels of government to address issues on a local,
231 regional and state-wide basis. The plan of each region contiguous to
232 Long Island Sound shall be designed to reduce hypoxia, pathogens,
233 toxic contaminants and floatable debris in Long Island Sound.

234 (b) Before adopting the regional plan of development or any part
235 thereof or amendment thereto the agency shall hold at least one public
236 hearing thereon, notice of the time, place and subject of which shall be
237 given in writing to the chief executive officer and planning
238 commission, where one exists, of each member town, city or borough,
239 [and to the Secretary of the Office of Policy and Management, or his
240 designee.] Notice of the time, place and subject of such hearing shall be
241 published once in a newspaper having a substantial circulation in the
242 region. At least sixty-five days before the public hearing the regional
243 planning agency shall post the plan on the Internet web site of the
244 agency, if any, and submit the plan to the Secretary of the Office of
245 Policy and Management for findings in the form of comments and
246 recommendations. Such findings shall include a review of the plan to
247 determine if the proposed regional plan of development is consistent
248 with the state plan of conservation and development. Such notices
249 shall be given not more than twenty days nor less than ten days before

250 such hearing. The regional planning agency shall note on the record
251 any inconsistency with the state plan of conservation and development
252 and the reasons for such inconsistency. Adoption of the plan or part
253 thereof or amendment thereto shall be made by the affirmative vote of
254 not less than a majority of the representatives on the agency. [A] The
255 plan shall be posted on the Internet web site of the agency, if any, and
256 a copy of the plan or of any amendments thereto, signed by the
257 chairman of the agency, shall be transmitted to the chief executive
258 officers, the town, city or borough clerks, as the case may be, and to
259 planning commissions, if any, in member towns, cities or boroughs,
260 and to the Secretary of the Office of Policy and Management, or his
261 designee. The regional planning agency shall notify the Secretary of
262 the Office of Policy and Management of any inconsistency with the
263 state plan of conservation and development and the reasons therefor.

264 (c) The regional planning agency shall revise the plan of
265 development not more than three years after the effective date of this
266 section.

267 (d) The regional planning agency shall assist municipalities within
268 its region and state agencies and may assist other public and private
269 agencies in developing and carrying out any regional plan or plans of
270 such regional planning agency. The regional planning agency may
271 provide administrative, management, technical or planning assistance
272 to municipalities within its region and other public agencies under
273 such terms as it may determine, provided, prior to entering into an
274 agreement for assistance to any municipality or other public agency,
275 the regional planning agency shall have adopted a policy governing
276 such assistance. The regional planning agency may be compensated by
277 the municipality or other public agency with which an agreement for
278 assistance has been made for all or part of the cost of such assistance.

279 Sec. 3. Section 16a-27 of the general statutes, as amended by section
280 10 of public act 03-4 of the June 30 special session, is repealed and the
281 following is substituted in lieu thereof (*Effective July 1, 2004*):

282 (a) The secretary, after consultation with all appropriate state,
283 regional and local agencies and other appropriate persons shall prior
284 to March 1, 2003, complete a revision of the existing plan and enlarge it
285 to include, but not be limited to, policies relating to transportation,
286 energy and air. Any revision made after May 15, 1991, shall identify
287 the major transportation proposals, including proposals for mass
288 transit, contained in the master transportation plan prepared pursuant
289 to section 13b-15. Any revision made after July 1, 1995, shall take into
290 consideration the conservation and development of greenways that
291 have been designated by municipalities and shall recommend that
292 state agencies coordinate their efforts to support the development of a
293 state-wide greenways system. The Commissioner of Environmental
294 Protection shall identify state-owned land for inclusion in the plan as
295 potential components of a state greenways system.

296 (b) Any revision made after August 20, 2003, shall take into account
297 (1) economic and community development needs and patterns of
298 commerce, and (2) linkages of affordable housing objectives and land
299 use objectives with transportation systems.

300 (c) Any revision after July 1, 2004, shall describe the progress
301 towards achievement of the goals and objectives established in the
302 previously adopted state plan of conservation and development and
303 shall consider (1) areas where it is prudent and feasible (A) to have
304 compact, transit accessible, pedestrian-oriented mixed use
305 development patterns and land reuse, and (B) to promote such
306 patterns and reuse, and (2) corridor management areas on either side
307 of a limited access highway or a rail line. In designating corridor
308 management areas, the secretary shall make recommendations that (A)
309 promote land use and transportation options to reduce the growth of
310 traffic congestion; (B) connect infrastructure and other development
311 decisions; (C) promote development that minimizes the cost of new
312 infrastructure facilities and maximizes the use of existing
313 infrastructure facilities; and (D) increase intermunicipal and regional
314 cooperation.

315 [(b)] (d) Thereafter on or before March first in each revision year the
316 secretary shall complete a revision of the plan of conservation and
317 development.

318 Sec. 4. Section 16a-28 of the general statutes is repealed and the
319 following is substituted in lieu thereof (*Effective July 1, 2004*):

320 (a) The secretary shall present a draft of the revised plan of
321 conservation and development for preliminary review to the
322 continuing legislative committee on state planning and development
323 prior to September first in 2002 and prior to September first in each
324 prerevision year thereafter.

325 (b) After December first in 1985 and after December first in each
326 prerevision year thereafter the secretary shall proceed with such
327 further revisions of the draft of the revised plan of conservation and
328 development as he deems appropriate. The secretary shall, by
329 whatever means he deems advisable, publish said plan and
330 disseminate it to the public on or before March first in revision years.
331 The secretary shall post the plan on the Internet web site of the state.

332 (c) Within five months of publication of said revised plan the
333 secretary shall hold public hearings, in cooperation with regional
334 planning agencies, to solicit comments on said plan.

335 Sec. 5. Section 16a-30 of the general statutes is repealed and the
336 following is substituted in lieu thereof (*Effective July 1, 2004*):

337 (a) The continuing legislative committee on state planning and
338 development shall within thirty-five days of the convening of the next
339 regularly scheduled session of the General Assembly and after public
340 hearing submit the plan with its recommendation for approval or
341 disapproval to the General Assembly. The plan shall become effective
342 when adopted by the General Assembly as the plan of conservation
343 and development for the state. After adoption, the secretary shall post
344 the plan on the Internet web site of the state.

345 (b) In the event that the General Assembly disapproves the plan in
346 whole or in part the plan shall be deemed to be rejected and shall be
347 returned to the committee for appropriate action.

348 (c) Any project included in the first or second phase of UConn 2000,
349 as defined in subdivision (25) of section 10a-109c, shall constitute part
350 of the state plan of conservation and development approved by the
351 General Assembly.

352 Sec. 6. Subsection (a) of section 8-2 of the general statutes is repealed
353 and the following is substituted in lieu thereof (*Effective July 1, 2004*):

354 (a) The zoning commission of each city, town or borough is
355 authorized to regulate, within the limits of such municipality, the
356 height, number of stories and size of buildings and other structures;
357 the percentage of the area of the lot that may be occupied; the size of
358 yards, courts and other open spaces; the density of population and the
359 location and use of buildings, structures and land for trade, industry,
360 residence or other purposes, including water-dependent uses, as
361 defined in section 22a-93, and the height, size and location of
362 advertising signs and billboards. Such bulk regulations may allow for
363 cluster development, as defined in section 8-18. Such zoning
364 commission may divide the municipality into districts of such number,
365 shape and area as may be best suited to carry out the purposes of this
366 chapter; and, within such districts, it may regulate the erection,
367 construction, reconstruction, alteration or use of buildings or
368 structures and the use of land. All such regulations shall be uniform
369 for each class or kind of buildings, structures or use of land throughout
370 each district, but the regulations in one district may differ from those
371 in another district, and may provide that certain classes or kinds of
372 buildings, structures or uses of land are permitted only after obtaining
373 a special permit or special exception from a zoning commission,
374 planning commission, combined planning and zoning commission or
375 zoning board of appeals, whichever commission or board the
376 regulations may, notwithstanding any special act to the contrary,
377 designate, subject to standards set forth in the regulations and to

378 conditions necessary to protect the public health, safety, convenience
379 and property values. Such regulations shall be made in accordance
380 with a comprehensive plan and in adopting such regulations the
381 commission shall consider the plan of conservation and development
382 prepared under section 8-23, as amended by this act, and on and after
383 July 1, 2010, the zoning regulations shall be made to be generally
384 consistent with such plan. Such regulations shall be designed to lessen
385 congestion in the streets; to secure safety from fire, panic, flood and
386 other dangers; to promote health and the general welfare; to provide
387 adequate light and air; to prevent the overcrowding of land; to avoid
388 undue concentration of population and to facilitate the adequate
389 provision for transportation, water, sewerage, schools, parks and other
390 public requirements. Such regulations shall be made with reasonable
391 consideration as to the character of the district and its peculiar
392 suitability for particular uses and with a view to conserving the value
393 of buildings and encouraging the most appropriate use of land
394 throughout such municipality. Such regulations may, to the extent
395 consistent with soil types, terrain, infrastructure capacity and the plan
396 of conservation and development for the community, provide for
397 cluster development, as defined in section 8-18, in residential zones.
398 Such regulations shall also encourage the development of housing
399 opportunities, including opportunities for multifamily dwellings,
400 consistent with soil types, terrain and infrastructure capacity, for all
401 residents of the municipality and the planning region in which the
402 municipality is located, as designated by the Secretary of the Office of
403 Policy and Management under section 16a-4a. Such regulations shall
404 also promote housing choice and economic diversity in housing,
405 including housing for both low and moderate income households, and
406 shall encourage the development of housing which will meet the
407 housing needs identified in the housing plan prepared pursuant to
408 section 8-37t and in the housing component and the other components
409 of the state plan of conservation and development prepared pursuant
410 to section 16a-26. Zoning regulations shall be made with reasonable
411 consideration for their impact on agriculture. Zoning regulations may
412 be made with reasonable consideration for the protection of historic

413 factors and shall be made with reasonable consideration for the
414 protection of existing and potential public surface and ground
415 drinking water supplies. On and after July 1, 1985, the regulations shall
416 provide that proper provision be made for soil erosion and sediment
417 control pursuant to section 22a-329. Such regulations may also
418 encourage energy-efficient patterns of development, the use of solar
419 and other renewable forms of energy, and energy conservation. The
420 regulations may also provide for incentives for developers who use
421 passive solar energy techniques, as defined in subsection (b) of section
422 8-25, as amended by this act, in planning a residential subdivision
423 development. The incentives may include, but not be limited to, cluster
424 development, higher density development and performance standards
425 for roads, sidewalks and underground facilities in the subdivision.
426 Such regulations may provide for a municipal system for the creation
427 of development rights and the permanent transfer of such
428 development rights, which may include a system for the variance of
429 density limits in connection with any such transfer. Such regulations
430 may also provide for notice requirements in addition to those required
431 by this chapter. Such regulations may provide for conditions on
432 operations to collect spring water or well water, as defined in section
433 21a-150, as amended, including the time, place and manner of such
434 operations. No such regulations shall prohibit the operation of any
435 family day care home or group day care home in a residential zone.
436 Such regulations shall not impose conditions and requirements on
437 manufactured homes having as their narrowest dimension twenty-two
438 feet or more and built in accordance with federal manufactured home
439 construction and safety standards or on lots containing such
440 manufactured homes which are substantially different from conditions
441 and requirements imposed on single-family dwellings and lots
442 containing single-family dwellings. Such regulations shall not impose
443 conditions and requirements on developments to be occupied by
444 manufactured homes having as their narrowest dimension twenty-two
445 feet or more and built in accordance with federal manufactured home
446 construction and safety standards which are substantially different
447 from conditions and requirements imposed on multifamily dwellings,

448 lots containing multifamily dwellings, cluster developments or
449 planned unit developments. Such regulations shall not prohibit the
450 continuance of any nonconforming use, building or structure existing
451 at the time of the adoption of such regulations. Such regulations shall
452 not provide for the termination of any nonconforming use solely as a
453 result of nonuse for a specified period of time without regard to the
454 intent of the property owner to maintain that use. Any city, town or
455 borough which adopts the provisions of this chapter may, by vote of
456 its legislative body, exempt municipal property from the regulations
457 prescribed by the zoning commission of such city, town or borough;
458 but unless it is so voted municipal property shall be subject to such
459 regulations.

460 Sec. 7. (NEW) (*Effective from passage*) (a) On and after July 1, 2010, a
461 zoning commission or combined planning and zoning commission
462 shall not approve a petition requesting a change in the zoning
463 regulations or boundaries of zoning district unless the planning
464 commission or combined planning and zoning commission determines
465 that such change is generally consistent with the plan of conservation
466 and development, adopted by the municipality under section 8-23 of
467 the general statutes, as amended by this act, except as provided in of
468 subsections (b) and (c) of this section. The planning commission or
469 combined planning and zoning commission shall state on the record
470 whether or not the change requested in the petition is generally
471 consistent with the plan.

472 (b) In the case of a petition to a zoning commission filed on or after
473 July 1, 2010, requesting a change in the zoning regulations or
474 boundaries, such zoning commission, not more than thirty-five days
475 after receiving the petition, shall submit the petition to the planning
476 commission for a determination of consistency with the plan of
477 conservation and development. Not more than thirty-five days after
478 receipt of the petition, the planning commission shall make a
479 determination on consistency of the petition with the plan and shall
480 notify the zoning commission of such determination not more than
481 thirty-five days thereafter. The zoning commission shall consider such

determination when acting on the petition. If the planning commission determines the petition is not consistent with the plan of conservation and development, the planning commission may prepare an amendment to the plan that would enable the planning commission to determine the petition to be consistent with the amendment. If either the zoning commission or planning commission finds that a public hearing is in the public interest or a petition was submitted to the planning commission and signed by twenty per cent of the residents in the area impacted by the proposal or by twenty per cent of the owners of lots abutting such area, then the planning commission and the zoning commission shall jointly conduct a public hearing on the amendments not more than thirty-five days after making the finding or receiving the petition. Such public hearing may include a hearing on the original petition for a change in the zoning regulations or boundaries. Except as provided in this section, any public hearing and decision shall be in accordance with the periods of time permitted under section 8-7d of the general statutes, as amended, except that a decision shall be rendered by the planning commission within thirty-five days of completion of the hearing and the planning commission shall notify the zoning commission of its decision not more than thirty-five days thereafter.

(c) In the case of a petition to a combined planning and zoning commission filed on or after July 1, 2010, requesting a change in the zoning regulations or boundaries, such commission, not more than thirty-five days after receiving such petition, shall make a determination on consistency of the petition with the plan of conservation and development. The planning and zoning commission shall consider such determination when acting on the petition. If the commission determines the petition is not consistent with the petition of conservation and development, the commission may prepare an amendment to the plan that would enable the commission to determine the plan to be consistent with the amendment. If the commission (1) finds that a public hearing is in the public interest, or (2) a petition was submitted to the commission and signed by twenty

516 per cent of the residents in the area impacted by the proposal or by
517 twenty per cent of the owners of lots abutting such area, then the
518 commission shall conduct a public hearing on the amendment not
519 more than thirty-five days after making the finding or receiving the
520 commission. Notwithstanding the provisions of this subsection, if the
521 commission determines, at any time after the petition is received, that
522 such petition would require changes to the plan of conservation and
523 development that would be a significant change to the policies and
524 goals of the plan of conservation and development, such commission
525 shall consider the proposal in accordance with the provisions of
526 subsection (f) of section 8-23 of the general statutes, as amended by this
527 act. Such public hearing may include a hearing on the original petition
528 for a change in the zoning regulations or boundaries. Except as
529 provided in this section, any public hearing and decision shall be in
530 accordance with the periods of time permitted under section 8-7d of
531 the general statutes, as amended, except that a decision shall be
532 rendered by the commission not more than thirty-five days after
533 completion of the public hearing.

534 Sec. 8. Subsections (a) and (b) of section 8-3 of the general statutes,
535 as amended by section 1 of public act 03-177, are repealed and the
536 following is substituted in lieu thereof (*Effective from passage*):

537 (a) Such zoning commission shall provide for the manner in which
538 regulations under section 8-2 or 8-2j, as amended, and the boundaries
539 of zoning districts shall be respectively established or changed and
540 shall establish procedures for decisions on petitions to change the
541 regulations and boundaries of zoning districts which would require an
542 amendment to the plan of conservation and development. No such
543 regulation or boundary shall become effective or be established or
544 changed until after a public hearing in relation thereto, held by a
545 majority of the members of the zoning commission or a committee
546 thereof appointed for that purpose consisting of at least five members.
547 Such hearing shall be held in accordance with the provisions of section
548 8-7d, as amended. A copy of such proposed regulation or boundary
549 shall be filed in the office of the town, city or borough clerk, as the case

550 may be, in such municipality, but, in the case of a district, in the offices
551 of both the district clerk and the town clerk of the town in which such
552 district is located, for public inspection at least ten days before such
553 hearing, and may be published in full in such paper. The commission
554 may require a filing fee to be deposited with the commission to defray
555 the cost of publication of the notice required for a hearing.

556 (b) Such regulations and boundaries shall be established, changed
557 or repealed only by a majority vote of all the members of the zoning
558 commission, except as otherwise provided in this chapter. [In] On or
559 before July 1, 2010, in making its decision the commission shall take
560 into consideration the plan of conservation and development,
561 prepared pursuant to section 8-23, as amended by this act, and shall
562 state on the record its findings on consistency of the proposed
563 establishment, change or repeal of such regulations and boundaries
564 with such plan. If a protest against a proposed change is filed at or
565 before a hearing with the zoning commission, signed by the owners of
566 twenty per cent or more of the area of the lots included in such
567 proposed change or of the lots within five hundred feet in all
568 directions of the property included in the proposed change, such
569 change shall not be adopted except by a vote of two-thirds of all the
570 members of the commission.

571 Sec. 9. Section 8-25 of the general statutes, as amended by section 6
572 of public act 03-177, is repealed and the following is substituted in lieu
573 thereof (*Effective from passage*):

574 (a) No subdivision of land shall be made until a plan for such
575 subdivision has been approved by the commission. Any person, firm
576 or corporation making any subdivision of land without the approval of
577 the commission shall be fined not more than five hundred dollars for
578 each lot sold or offered for sale or so subdivided. Any plan for
579 subdivision shall, upon approval, or when taken as approved by
580 reason of the failure of the commission to act, be filed or recorded by
581 the applicant in the office of the town clerk within ninety days of the
582 expiration of the appeal period under section 8-8, or in the case of an

583 appeal, within ninety days of the termination of such appeal by
584 dismissal, withdrawal or judgment in favor of the applicant but, if it is
585 a plan for subdivision wholly or partially within a district, it shall be
586 filed in the offices of both the district clerk and the town clerk, and any
587 plan not so filed or recorded within the prescribed time shall become
588 null and void, except that the commission may extend the time for
589 such filing for two additional periods of ninety days and the plan shall
590 remain valid until the expiration of such extended time. All such plans
591 shall be delivered to the applicant for filing or recording not more than
592 thirty days after the time for taking an appeal from the action of the
593 commission has elapsed or not more than thirty days after the date
594 that plans modified in accordance with the commission's approval and
595 that comply with section 7-31 are delivered to the commission,
596 whichever is later, and in the event of an appeal, not more than thirty
597 days after the termination of such appeal by dismissal, withdrawal or
598 judgment in favor of the applicant or not more than thirty days after
599 the date that plans modified in accordance with the commission's
600 approval and that comply with section 7-31 are delivered to the
601 commission, whichever is later. No such plan shall be recorded or filed
602 by the town clerk or district clerk or other officer authorized to record
603 or file plans until its approval has been endorsed thereon by the
604 chairman or secretary of the commission, and the filing or recording of
605 a subdivision plan without such approval shall be void. Before
606 exercising the powers granted in this section, the commission shall
607 adopt regulations covering the subdivision of land. No such
608 regulations shall become effective until after a public hearing held in
609 accordance with the provisions of section 8-7d, as amended. Such
610 regulations shall provide that the land to be subdivided shall be of
611 such character that it can be used for building purposes without
612 danger to health or the public safety, that proper provision shall be
613 made for water, sewerage and drainage, including the upgrading of
614 any downstream ditch, culvert or other drainage structure which,
615 through the introduction of additional drainage due to such
616 subdivision, becomes undersized and creates the potential for flooding
617 on a state highway, and, in areas contiguous to brooks, rivers or other

bodies of water subject to flooding, including tidal flooding, that proper provision shall be made for protective flood control measures and that the proposed streets are in harmony with existing or proposed principal thoroughfares shown in the plan of conservation and development as described in section 8-23, as amended by this act, especially in regard to safe intersections with such thoroughfares, and so arranged and of such width, as to provide an adequate and convenient system for present and prospective traffic needs. Such regulations shall also provide that the commission may require the provision of open spaces, parks and playgrounds when, and in places, deemed proper by the planning commission, which open spaces, parks and playgrounds shall be shown on the subdivision plan. Such regulations may, with the approval of the commission, authorize the applicant to pay a fee to the municipality or pay a fee to the municipality and transfer land to the municipality in lieu of any requirement to provide open spaces. Such payment or combination of payment and the fair market value of land transferred shall be equal to not more than ten per cent of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the commission and the applicant. A fraction of such payment the numerator of which is one and the denominator of which is the number of approved parcels in the subdivision shall be made at the time of the sale of each approved parcel of land in the subdivision and placed in a fund in accordance with the provisions of section 8-25b. The open space requirements of this section shall not apply if the transfer of all land in a subdivision of less than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration, or if the subdivision is to contain affordable housing, as defined in section 8-39a, equal to twenty per cent or more of the total housing to be constructed in such subdivision. Such regulations, on and after July 1, 1985, shall provide that proper provision be made for soil erosion and sediment control pursuant to section 22a-329. Such regulations shall not impose conditions and requirements on manufactured homes having as their narrowest

653 dimension twenty-two feet or more and built in accordance with
654 federal manufactured home construction and safety standards or on
655 lots containing such manufactured homes which are substantially
656 different from conditions and requirements imposed on single-family
657 dwellings and lots containing single-family dwellings. Such
658 regulations shall not impose conditions and requirements on
659 developments to be occupied by manufactured homes having as their
660 narrowest dimension twenty-two feet or more and built in accordance
661 with federal manufactured home construction and safety standards
662 which are substantially different from conditions and requirements
663 imposed on multifamily dwellings, lots containing multifamily
664 dwellings, cluster developments or planned unit developments. The
665 commission may also prescribe the extent to which and the manner in
666 which streets shall be graded and improved and public utilities and
667 services provided and, in lieu of the completion of such work and
668 installations previous to the final approval of a plan, the commission
669 may accept a bond in an amount and with surety and conditions
670 satisfactory to it securing to the municipality the actual construction,
671 maintenance and installation of such improvements and utilities
672 within a period specified in the bond. Such regulations may provide,
673 in lieu of the completion of the work and installations above referred
674 to, previous to the final approval of a plan, for an assessment or other
675 method whereby the municipality is put in an assured position to do
676 such work and make such installations at the expense of the owners of
677 the property within the subdivision. Such regulations may provide
678 that in lieu of either the completion of the work or the furnishing of a
679 bond as provided in this section, the commission may authorize the
680 filing of a plan with a conditional approval endorsed thereon. Such
681 approval shall be conditioned on (1) the actual construction,
682 maintenance and installation of any improvements or utilities
683 prescribed by the commission, or (2) the provision of a bond as
684 provided in this section. Upon the occurrence of either of such events,
685 the commission shall cause a final approval to be endorsed thereon in
686 the manner provided by this section. Any such conditional approval
687 shall lapse five years from the date it is granted, provided the

688 applicant may apply for and the commission may, in its discretion,
689 grant a renewal of such conditional approval for an additional period
690 of five years at the end of any five-year period, except that the
691 commission may, by regulation, provide for a shorter period of
692 conditional approval or renewal of such approval. Any person, firm or
693 corporation who, prior to such final approval, sells or offers for sale
694 any lot subdivided pursuant to a conditional approval shall be fined
695 not more than five hundred dollars for each lot sold or offered for sale.

696 (b) The regulations adopted under subsection (a) of this section shall
697 also encourage energy-efficient patterns of development and land use,
698 the use of solar and other renewable forms of energy, and energy
699 conservation. The regulations shall require any person submitting a
700 plan for a subdivision to the commission under subsection (a) of this
701 section to demonstrate to the commission that such person has
702 considered, in developing the plan, using passive solar energy
703 techniques which would not significantly increase the cost of the
704 housing to the buyer, after tax credits, subsidies and exemptions. As
705 used in this subsection and section 8-2, passive solar energy techniques
706 mean site design techniques which maximize solar heat gain, minimize
707 heat loss and provide thermal storage within a building during the
708 heating season and minimize heat gain and provide for natural
709 ventilation during the cooling season. The site design techniques shall
710 include, but not be limited to: (1) House orientation; (2) street and lot
711 layout; (3) vegetation; (4) natural and man-made topographical
712 features; and (5) protection of solar access within the development.

713 (c) The regulations adopted under subsection (a) of this section,
714 may, to the extent consistent with soil types, terrain, infrastructure
715 capacity and the plan of development for the community, provide for
716 cluster development, and may provide for incentives for cluster
717 development such as density bonuses, or may require cluster
718 development.

719 (d) On and after July 1, 2010, the regulations shall be reviewed, and
720 revised, if needed, to be consistent with a map of the municipal plan of

721 conservation and development, adopted under section 8-23, as
722 amended by this act, showing proposed land uses and the
723 recommendations of such plan concerning subdivisions.

724 Sec. 10. Section 8-26 of the general statutes, as amended by section 7
725 of public act 03-177, is repealed and the following is substituted in lieu
726 thereof (*Effective from passage*):

727 All plans for subdivisions and resubdivisions, including
728 subdivisions and resubdivisions in existence but which were not
729 submitted to the commission for required approval, whether or not
730 shown on an existing map or plan or whether or not conveyances have
731 been made of any of the property included in such subdivisions or
732 resubdivisions, shall be submitted to the commission with an
733 application in the form to be prescribed by it. The commission shall
734 have the authority to determine whether the existing division of any
735 land constitutes a subdivision or resubdivision under the provisions of
736 this chapter, provided nothing in this section shall be deemed to
737 authorize the commission to approve any such subdivision or
738 resubdivision which conflicts with applicable zoning regulations. Such
739 regulations may contain provisions whereby the commission may
740 waive certain requirements under the regulations by a three-quarters
741 vote of all the members of the commission in cases where conditions
742 exist which affect the subject land and are not generally applicable to
743 other land in the area, provided that the regulations shall specify the
744 conditions under which a waiver may be considered and shall provide
745 that no waiver shall be granted that would have a significant adverse
746 effect on adjacent property or on public health and safety. The
747 commission shall state upon its records the reasons for which a waiver
748 is granted in each case. The commission may establish a schedule of
749 fees and charge such fees. The amount of the fees shall be sufficient to
750 cover the costs of processing subdivision applications, including, but
751 not limited to, the cost of registered or certified mailings and the
752 publication of notices, and the costs of inspecting subdivision
753 improvements. Any schedule of fees established under this section
754 shall be superseded by fees established by ordinance under section 8-

755 1c. [The commission may hold a public hearing regarding any
756 subdivision proposal if, in its judgment, the specific circumstances
757 require such action. No plan of resubdivision shall be acted upon by
758 the commission without a public hearing.] The commission shall
759 conduct a public hearing on a subdivision or resubdivision if a petition
760 is submitted to the commission signed by twenty per cent of the
761 owners of lots included in such proposed subdivision or resubdivision
762 or twenty per cent of the owners of the lots within three hundred feet
763 in all directions of the property included in the proposed subdivision
764 or resubdivision. Such public hearing shall be held in accordance with
765 the provisions of section 8-7d, as amended. The commission shall
766 approve, modify and approve, or disapprove any subdivision or
767 resubdivision application or maps and plans submitted therewith,
768 including existing subdivisions or resubdivisions made in violation of
769 this section, within the period of time permitted under section 8-26d,
770 as amended. Notice of the decision of the commission shall be
771 published in a newspaper having a substantial circulation in the
772 municipality and addressed by certified mail to any person applying to
773 the commission under this section, by its secretary or clerk, under his
774 signature in any written, printed, typewritten or stamped form, within
775 fifteen days after such decision has been rendered. In any case in
776 which such notice is not published within such fifteen-day period, the
777 person who made such application may provide for the publication of
778 such notice within ten days thereafter. Such notice shall be a simple
779 statement that such application was approved, modified and approved
780 or disapproved, together with the date of such action. The failure of
781 the commission to act thereon shall be considered as an approval, and
782 a certificate to that effect shall be issued by the commission on
783 demand. The grounds for its action shall be stated in the records of the
784 commission. No planning commission shall be required to consider an
785 application for approval of a subdivision plan while another
786 application for subdivision of the same or substantially the same parcel
787 is pending before the commission. For the purposes of this section, an
788 application is not "pending before the commission" if the commission
789 has rendered a decision with respect to such application and such

790 decision has been appealed to the Superior Court. If an application
791 involves land regulated as an inland wetland or watercourse under the
792 provisions of chapter 440, the applicant shall submit an application to
793 the agency responsible for administration of the inland wetlands
794 regulations no later than the day the application is filed for the
795 subdivision or resubdivision. The commission shall not render a
796 decision until the inland wetlands agency has submitted a report with
797 its final decision to such commission. In making its decision the
798 commission shall give due consideration to the report of the inland
799 wetlands agency. In making a decision on an application, the
800 commission shall consider information submitted by the applicant
801 under subsection (b) of section 8-25, as amended by this act,
802 concerning passive solar energy techniques. The provisions of this
803 section shall apply to any municipality which exercises planning
804 power pursuant to any special act.

805 Sec. 11. Subsection (a) of section 8-193 of the general statutes is
806 repealed and the following is substituted in lieu thereof (*Effective from*
807 *passage*):

808 (a) After approval of the development plan as provided in this
809 chapter, the development agency may proceed by purchase, lease,
810 exchange or gift with the acquisition or rental of real property within
811 the project area and real property and interests therein for rights-of-
812 way and other easements to and from the project area. The
813 development agency may, with the approval of the legislative body,
814 and in the name of the municipality, acquire by eminent domain real
815 property located within the project area and real property and interests
816 therein for rights-of-way and other easements to and from the project
817 area, in the same manner that a redevelopment agency may acquire
818 real property under sections 8-128 to 8-133, inclusive, as if said sections
819 specifically applied to development agencies, except that no owner
820 occupied residential dwelling, consisting of four or less residential
821 units, shall be acquired by eminent domain if the resulting project will
822 be privately owned or controlled. The development agency may, with
823 the approval of the legislative body and, of the commissioner if any

824 grants were made by the state under section 8-190 or 8-195 for such
 825 development project, and in the name of such municipality, transfer by
 826 sale or lease at fair market value or fair rental value, as the case may
 827 be, the whole or any part of the real property in the project area to any
 828 person, in accordance with the project plan and such disposition plans
 829 as may have been determined by the commissioner.

830 Sec. 12. (*Effective July 1, 2004*) The Secretary of the Office of Policy
 831 and Management shall make a grant of seventy-five thousand dollars
 832 to each municipality for the purpose of revising and updating local
 833 zoning regulations, in accordance with the provisions of section 8-2 of
 834 the general statutes, as amended by this act, plans of conservation and
 835 development in accordance with the provisions of section 8-23 of the
 836 general statutes, as amended by this act, and subdivision regulations
 837 in accordance with the provisions of section 8-25 of the general
 838 statutes, as amended by this act."

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>July 1, 2004</i>
Sec. 4	<i>July 1, 2004</i>
Sec. 5	<i>July 1, 2004</i>
Sec. 6	<i>July 1, 2004</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>July 1, 2004</i>